

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-00095

MICHAEL PAUL

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 23, 2017, the United States of America appeared by J. Matthew Davis, Assistant United States Attorney, and the defendant, Michael Paul, appeared in person and by his counsel, Mary Lou Newberger, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Asa M. Gravley. The defendant commenced a 30-month term of supervised release in this action on April 29, 2015, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on September 11, 2014.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on April 14, 2017, for amphetamine, methamphetamine, morphine, oxycodone and oxymorphone, the defendant having admitted to the probation officer that he used methamphetamine and oxycodone on April 11, 2017; his admission to the probation officer on April 27, 2017, that he used methamphetamine on April 20, 2017, heroin and marijuana on April 26, 2017, and oxycodone on April 27, 2017; his admission to the probation officer on May 12, 2017, that he used methamphetamine on May 5, 2017, oxycodone on May 9, 2017, marijuana on May 11, 2017, and heroin on May 12, 2017; his admission on May 23, 2017, that he used marijuana on May 21, 2017, methamphetamine on May 20, 2017, and suboxone on May 23, 2017; and (2) the defendant failed to participate in a substance abuse and treatment program as directed by the probation officer inasmuch as he entered the 28 to 90 day program at Presteria on May 2, 2017, and left the program on May 5, 2017, against medical advice; all as admitted by the defendant on the record

of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

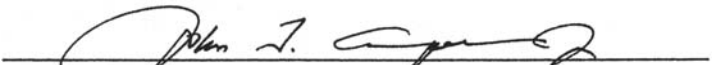
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS, to run concurrently as to each Count One and Six, to be followed by a term of twenty-six (26) months of supervised release, to run concurrently as to each Count One and Six, upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the

standard conditions as set forth in Local Rule 32.3 and the special condition that he participate in the 28-90 day program at Presteria in Huntington, West Virginia, where he shall follow the rules and regulations of the facility, participate in drug abuse counseling and treatment, and participate in mental health counseling and treatment. The defendant shall continue to pursue the reinstatement of his driver's license. The court hereby reimposes restitution which shall be paid by the defendant at the rate of \$100 per month.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 3, 2017


John T. Copenhaver, Jr.
United States District Judge